



JITESH MALIK, ESQ.^{I,II,III,IV}
MANAGING PARTNER, BUFFALO, N.Y.

JOANNA J. LEE, ESQ.^I
ASSOCIATE ATTORNEY

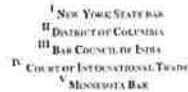
MARIE-KENDY S. WILLIAMS, ESQ.^I
ASSOCIATE ATTORNEY

MARK P. POPIEL, ESQ.^{I,IV}
MANAGING PARTNER, BUFFALO, N.Y.

NATALIE M. UHRMACHER, ESQ.^I
SENIOR COUNSEL

RYAN P. MOONEY, ESQ.^I
SENIOR COUNSEL

CHARITY CORDLE, ESQ.^V
ASSOCIATE ATTORNEY



May 11, 2023

Motion to Reconsider

United States Department of Homeland Security
United States Citizenship and Immigration Services
ATTN: AOS (805887)
131 S Dearborn, 3rd Floor
Chicago, Illinois 60603-5517

Re: *Motion to Reconsider the Dismissal of the Applicant's Motion to Reopen and Reconsider The Denial Of His I-485 Application To Adjust Status By Mr. Shailesh GODKHINDI*

Applicant: Shailesh GODKHINDI
Alien Number: 089-124-563
I-290B Receipt Number: IOE-09-159-64393
Date Decision Issued: April 18, 2023

Dear Sir/Madam:

The above-referenced Applicant, by and through undersigned counsel, requests that the U.S. Citizenship and Immigration Services (hereinafter the "Service"), pursuant to 8 CFR §103.5(a)(3), grant the Applicant's Motion to Reconsider the dismissal of the previously filed Motion to Reopen and Reconsider the denial of the Applicant's Adjustment of Status Application.

In connection with the above-referenced matter, please find the following:

1. Form G-28 – Notice of Entry of Appearance as Attorney or Representative;
2. Form I-1290B – Notice of Appeal or Motion;
3. Legal Brief in support of the Motion to Reconsider; and

PROVIDING CONSTRUCTIVE LEGAL SOLUTIONS TO CLIENTS AROUND THE WORLD

7606 TRANSIT ROAD, SUITE 200
BUFFALO, NEW YORK 14221
UNITED STATES OF AMERICA

TEL: (716) 689-7770, EXT. 106
EMAIL: UHRMACHER@MALIKPOPIEL.COM

FAX: (716) 689-7772
WEBSITE: WWW.MALIKPOPIEL.COM

4. Supporting Documentation.

Also enclosed please find a check in the amount of \$675, made payable to the Department of Homeland Security, as payment for the Motion to Reconsider.

If you have any questions or require additional information/documentation to adjudicate the above-referenced matter, please call me direct at (716) 689-7770, Ext. 106 or contact me via email nuhrmacher@malikpopiel.com.

Thank you for your assistance and consideration in this matter.

Sincerely,

MALIK & POPIEL, P.C.

By: Natalie Uhrmacher
Natalie M. Uhrmacher, Esq.
Senior Counsel

Enclosures



**Notice of Entry of Appearance
as Attorney or Accredited Representative**
Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 05/31/2021

Part 1. Information About Attorney or Accredited Representative

1. USCIS Online Account Number (if any)

▶ N / A

Name of Attorney or Accredited Representative

2.a. Family Name (Last Name) Uhrmacher, Esq.

2.b. Given Name (First Name) Natalie

2.c. Middle Name M.

Address of Attorney or Accredited Representative

3.a. Street Number and Name 7606 Transit Road

3.b. ☐ Apt. ☒ Ste. ☐ Flr. Suite 200

3.c. City or Town Buffalo

3.d. State NY 3.e. ZIP Code 14221

3.f. Province N/A

3.g. Postal Code N/A

3.h. Country
United States

Contact Information of Attorney or Accredited Representative

4. Daytime Telephone Number
(716) 689-7770, Ext. 106

5. Mobile Telephone Number (if any)
N/A

6. Email Address (if any)
nuhrmacher@malikpopiel.com

7. Fax Number (if any)
(716) 689-7772

Part 2. Eligibility Information for Attorney or Accredited Representative

Select all applicable items.

1.a. ☒ I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

Licensing Authority

New York

1.b. Bar Number (if applicable)

5187125

1.c. I (select only one box) ☒ am not ☐ am subject to any order suspending, enjoining, restraining, disbaring, or otherwise restricting me in the practice of law. If you are subject to any orders, use the space provided in **Part 6. Additional Information** to provide an explanation.

1.d. Name of Law Firm or Organization (if applicable)

Malik & Popiel, P.C.

2.a. ☐ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States and recognized by the Department of Justice in accordance with 8 CFR part 1292.

2.b. Name of Recognized Organization

N/A

2.c. Date of Accreditation (mm/dd/yyyy)

N/A

3. ☐ I am associated with

N/A

the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative for a limited purpose is at his or her request.

4.a. ☐ I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2).

4.b. Name of Law Student or Law Graduate

N/A



Part 3. Notice of Appearance as Attorney or Accredited Representative

If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

This appearance relates to immigration matters before (select **only one** box):

1.a. ☒ U.S. Citizenship and Immigration Services (USCIS)

1.b. List the form numbers or specific matter in which appearance is entered.

I-290B Motion to Reconsider

2.a. ☐ U.S. Immigration and Customs Enforcement (ICE)

2.b. List the specific matter in which appearance is entered.

3.a. ☐ U.S. Customs and Border Protection (CBP)

3.b. List the specific matter in which appearance is entered.

4. Receipt Number (if any)

►

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5. I enter my appearance as an attorney or accredited representative at the request of the (select **only one** box):

☒ Applicant ☐ Petitioner ☐ Requestor
☐ Beneficiary/Derivative ☐ Respondent (ICE, CBP)

Information About Client (Applicant, Petitioner, Requestor, Beneficiary or Derivative, Respondent, or Authorized Signatory for an Entity)

6.a. Family Name (Last Name) GODKHINDI

6.b. Given Name (First Name) Shailesh

6.c. Middle Name

7.a. Name of Entity (if applicable)

N/A

7.b. Title of Authorized Signatory for Entity (if applicable)

N/A

8. Client's USCIS Online Account Number (if any)

►

N	O	N	E																
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9. Client's Alien Registration Number (A-Number) (if any)

► A-

0	8	9	1	2	4	5	6	3
---	---	---	---	---	---	---	---	---

Client's Contact Information

10. Daytime Telephone Number

770-733-1140

11. Mobile Telephone Number (if any)

N/A

12. Email Address (if any)

sgodkhindi2003@yahoo.com

Mailing Address of Client

NOTE: Provide the client's mailing address. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application or petition being filed with this Form G-28.

13.a. Street Number and Name 116 Addison Ln

13.b. ☐ Apt. ☐ Ste. ☐ Flr.

13.c. City or Town Alpharetta

13.d. State GA 13.e. ZIP Code 30005

13.f. Province N/A

13.g. Postal Code N/A

13.h. Country United States of America

Part 4. Client's Consent to Representation and Signature**Consent to Representation and Release of Information**

I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1** of this form. According to the Privacy Act of 1974 and U.S. Department of Homeland Security (DHS) policy, I also consent to the disclosure to the named attorney or accredited representative of any records pertaining to me that appear in any system of records of USCIS, ICE, or CBP.



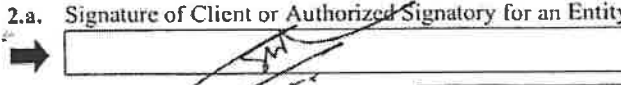
Part 4. Client's Consent to Representation and Signature (continued)**Options Regarding Receipt of USCIS Notices and Documents**

USCIS will send notices to both a represented party (the client) and his, her, or its attorney or accredited representative either through mail or electronic delivery. USCIS will send all secure identity documents and Travel Documents to the client's U.S. mailing address.

If you want to have notices and/or secure identity documents sent to your attorney or accredited representative of record rather than to you, please select **all applicable** items below. You may change these elections through written notice to USCIS.

- 1.a. ☒ I request that USCIS send original notices on an application or petition to the business address of my attorney or accredited representative as listed in this form.
- 1.b. ☐ I request that USCIS send any secure identity document (Permanent Resident Card, Employment Authorization Document, or Travel Document) that I receive to the U.S. business address of my attorney or accredited representative (or to a designated military or diplomatic address in a foreign country (if permitted)).
- NOTE:** If your notice contains Form I-94, Arrival-Departure Record, USCIS will send the notice to the U.S. business address of your attorney or accredited representative. If you would rather have your Form I-94 sent directly to you, select **Item Number 1.c.**
- 1.c. ☐ I request that USCIS send my notice containing Form I-94 to me at my U.S. mailing address.

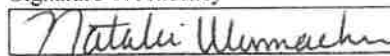
Signature of Client or Authorized Signatory for an Entity

- 2.a. Signature of Client or Authorized Signatory for an Entity

- 2.b. Date of Signature (mm/dd/yyyy) 05/09/2023

Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before DHS. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. a. Signature of Attorney or Accredited Representative




- 1.b. Date of Signature (mm/dd/yyyy)

5/11/2023

- 2.a. Signature of Law Student or Law Graduate

- 2.b. Date of Signature (mm/dd/yyyy)



M&P MALIK & POPIEL, P.C. ATTORNEYS AT LAW		13040
7606 TRANSIT RD. SUITE 200 BUFFALO, NY 14221-6017		1-32/210 NY 60302
DATE <u>05/12/2023</u>		
PAY TO THE ORDER OF	U.S. DEPARTMENT OF HOMELAND SECURITY	\$ 675.00
<u>six hundred seventy five dollars</u>		DOLLARS
BANK OF AMERICA		Photo Safe Deposit Details on back
ACH R/T 021000322		
FOR <u>Godkin, L.</u>		
⑈013040⑈ ⑆021000322⑆ 483041707659⑈		



Notice of Appeal or Motion
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-290B
OMB No. 1615-0095
Expires 05/31/2020

For USCIS Use Only	Returned	Reloc Sent	Receipt	Remarks
	Date / /	Date / /		
	Date / /	Date / /		
	Resubmitted	Reloc Rec'd		
	Date / /	Date / /		
	Date / /	Date / /		

To be completed by an attorney or accredited representative (if any).	<input checked="" type="checkbox"/> Select this box if Form G-28 is attached.	Attorney State Bar Number (if applicable)	Attorney or Accredited Representative USCIS Online Account Number (if any)
		5187125	N / A

Please visit www.uscis.gov/i-290b/jurisdiction for information on the immigration benefit types that are eligible for an appeal or motion using this form.

► **START HERE** - Type or print in black ink.

Part 1. Information About the Applicant or Petitioner

If you are an individual filing this appeal or motion, complete **Item Number 1**. If you are a business or organization, complete **Item Number 2**.

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.e. Middle Name

2. Business or Organization (if applicable)

3. Alien Registration Number (A-Number, if any)
 ► A-

4. USCIS Online Account Number (if any)
 ►

Mailing Address (or Military APO/FPO Address, if applicable)
(USPS ZIP Code Lookup)

5.a. In Care Of Name (if any)

5.b. Street Number and Name

5.c. ☐ Apt. ☐ Ste. ☐ Flr.

5.d. City or Town

5.e. State 5.f. ZIP Code

5.g. Province

5.h. Postal Code

5.i. Country

Part 2. Information About the Appeal or Motion

Please indicate whether you are filing an appeal to the Administrative Appeals Office (AAO) or a motion. You are not allowed to file both an appeal and a motion on a single form. **If you select more than one box, your filing may be rejected.**

NOTE: DO NOT use this form if you are filing an appeal relating to a Form I-130, Petition for Alien Relative, or a Form I-360, Self-Petition for a Widow(er) of a U.S. Citizen. You must file those appeals with the Board of Immigration Appeals using Form EOIR-29.



Part 2. Information About the Appeal or Motion
(continued)

- 1.a. ☐ I am filing an **appeal** to the AAO. My brief and/or additional evidence is attached.
- 1.b. ☐ I am filing an **appeal** to the AAO. I will submit my brief and/or additional evidence to the AAO within 30 calendar days of filing the appeal.
- 1.c. ☐ I am filing an **appeal** to the AAO. I will not be submitting a brief and/or additional evidence.
- 1.d. ☐ I am filing a **motion to reopen**. My brief and/or additional evidence is attached.
- 1.e. ☒ I am filing a **motion to reconsider**. My brief is attached.
- 1.f. ☐ I am filing a **motion to reopen** and a **motion to reconsider**. My brief and/or additional evidence is attached.
2. USCIS Form for the Application or Petition That is the Subject of This Appeal or Motion (for example, Form I-140, I-360, I-129, I-485, I-601)
3. Receipt Number for the Application or Petition
4. Requested Nonimmigrant or Immigrant Classification (for example, H-1B, R-1, O-1, EB-1, EB-2, if applicable)
5. Date of the Adverse Decision (mm/dd/yyyy)
6. Office That Issued the Adverse Decision

Part 3. Basis for the Appeal or Motion

In **Part 7. Additional Information**, or on a separate sheet of paper, you must provide a statement regarding the basis for the appeal or motion. If you attach a separate sheet of paper, type or print your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

Appeal: Provide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed. **You must provide this information with your Form I-290B even if you intend to submit a brief later.**

Motion to Reopen: A motion to reopen must state new facts and be supported by documentary evidence demonstrating eligibility for the requested immigration benefit at the time you filed the application or petition.

Motion to Reconsider: A motion to reconsider must demonstrate that the decision was based on an incorrect application of law or policy, and that the decision was incorrect based on the evidence in the case record at the time of the decision. The motion must be supported by citations to appropriate statutes, regulations, precedent decisions, or statements of USCIS policy.

Part 4. Applicant's or Petitioner's Statement, Contact Information, Certification, and Signature

NOTE: Read the **Penalties** section of the Form I-290B Instructions before completing this part.

Section A

If you are filing an appeal or motion based on an **APPLICATION OR PETITION FILED BY AN INDIVIDUAL (NOT A BUSINESS OR ORGANIZATION)**, complete this section:

Applicant's or Petitioner's Statement

NOTE: Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

- 1.a. ☒ I can read and understand English, and I have read and understand every question and instruction on this form and my answer to every question.
- 1.b. ☐ The interpreter named in **Part 5.** has read to me every question and instruction on this form, and my answer to every question, in
 a language in which I am fluent. I understood all of this information as interpreted.
2. ☒ At my request, the preparer named in **Part 6.** prepared this form for me based only upon information I provided or authorized.

Applicant's or Petitioner's Contact Information

3. Applicant's or Petitioner's Daytime Telephone Number
4. Applicant's or Petitioner's Mobile Telephone Number (if any)
5. Applicant's or Petitioner's Email Address (if any)

Part 4. Applicant's or Petitioner's Statement, Contact Information, Certification, and Signature (continued)

Applicant's or Petitioner's Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any of my records that USCIS may need to determine my eligibility for the immigration benefit that I seek.

I further authorize release of information contained in this form, in supporting documents, and in my USCIS records, to other entities and persons where necessary for the administration and enforcement of U.S. immigration law.

I certify, under penalty of perjury, that all of the information in my form and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my form, and that all of this information is complete, true, and correct.

Applicant's or Petitioner's Signature

6.a. Applicant's or Petitioner's Signature



6.b. Date of Signature (mm/dd/yyyy) 05/09/2023

Section B

If you are filing an appeal or motion based on a **PETITION FILED BY A BUSINESS OR ORGANIZATION (NOT AN INDIVIDUAL)**, complete this section:

Petitioner's Statement

NOTE: Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

- 1.a. ☐ I can read and understand English, and I have read and understand every question and instruction on this form and my answer to every question.
- 1.b. ☐ The interpreter named in **Part 5.** has read to me every question and instruction on this form, and my answer to every question, in a language in which I am fluent. I understood all of this information as interpreted.
2. ☐ At my request, the preparer named in **Part 6.** prepared this form for me based only upon information I provided or authorized.

Petitioner's Contact Information

Provide the following information about the petitioner's authorized signatory.

- 3.a. Family Name (Last Name)
- 3.b. Given Name (First Name)
- 3.c. Middle Name
4. Title
5. Daytime Telephone Number
6. Mobile Telephone Number (if any)
7. Email Address (if any)

Petitioner's Certification

Copies of any documents submitted are exact photocopies of unaltered, original documents, and I understand that, as the petitioner, I may be required to submit original documents to USCIS at a later date.

I authorize the release of any information from my records, or from the petitioning organization's records, to USCIS or other entities and persons where necessary to determine eligibility for the immigration benefit sought or where authorized by law. I recognize the authority of USCIS to conduct audits of this form using publicly available open source information. I also recognize that any supporting evidence submitted in support of this form may be verified by USCIS through any means determined appropriate by USCIS, including but not limited to, on-site compliance reviews.

If filing this form on behalf of an organization, I certify that I am authorized to do so by the organization.

I certify, under penalty of perjury, that I have reviewed this form, I understand all of the information contained in, and submitted with, my appeal or motion, and all of this information is complete, true, and correct.

Petitioner's Signature

- 8.a. Petitioner's Signature
- 8.b. Date of Signature (mm/dd/yyyy)

NOTE TO ALL APPLICANTS AND PETITIONERS: If you do not completely fill out this form or fail to submit required documents listed in the Instructions, USCIS may dismiss, deny, or reject your appeal or motion.



Part 5. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

- 1.a. Interpreter's Family Name (Last Name)

N/A

- 1.b. Interpreter's Given Name (First Name)

N/A

2. Interpreter's Business or Organization Name (if any)

N/A

Interpreter's Mailing Address

- 3.a. Street Number and Name

N/A

- 3.b.
- ☐
- Apt.
- ☐
- Ste.
- ☐
- Flr.

N/A

- 3.c. City or Town

N/A

- 3.d. State

N/A

- 3.e. ZIP Code

N/A

- 3.f. Province

N/A

- 3.g. Postal Code

N/A

- 3.h. Country

N/A

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number

N/A

5. Interpreter's Mobile Telephone Number (if any)

N/A

6. Interpreter's Email Address (if any)

N/A

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and , which is the same language specified in **Part 4., Item Number 1.b.** in **Section A** or **Section B**, and I have read to this applicant or petitioner in the identified language every question and instruction on this form and his or her answer to every question. The applicant or petitioner informed me that he or she understands every instruction, question, and answer on the form, including the **Applicant's or Petitioner's Certification**, and has verified the accuracy of every answer.

Interpreter's Signature

- 7.a. Interpreter's Signature

N/A

- 7.b. Date of Signature (mm/dd/yyyy)

N/A

Part 6. Contact Information, Declaration, and Signature of the Person Preparing this Form, if Other Than the Applicant or Petitioner

Provide the following information about the preparer.

Preparer's Full Name

- 1.a. Preparer's Family Name (Last Name)

Uhrmacher, Esq.

- 1.b. Preparer's Given Name (First Name)

Natalie

2. Preparer's Business or Organization Name (if any)

Malik & Popiel, P.C.

Preparer's Mailing Address

- 3.a. Street Number and Name

7606 Transit Road

- 3.b.
- ☐
- Apt.
- ☒
- Ste.
- ☐
- Flr.

Suite 200

- 3.c. City or Town

Buffalo

- 3.d. State

NY

- 3.e. ZIP Code

14221

- 3.f. Province

N/A

- 3.g. Postal Code

N/A

- 3.h. Country

United States

Preparer's Contact Information

4. Preparer's Daytime Telephone Number

(716) 689-7770, Ext. 106

5. Preparer's Mobile Telephone Number (if any)

N/A

6. Preparer's Email Address (if any)

nuhrmacher@malikpopiel.com

Part 6. Contact Information, Declaration, and Signature of the Person Preparing this Form, if Other Than the Applicant or Petitioner
(continued)

Preparer's Statement

- 7.a. ☐ I am not an attorney or accredited representative but have prepared this form on behalf of the applicant or petitioner and with the applicant's or petitioner's consent.
- 7.b. ☒ I am an attorney or accredited representative and have prepared this form on behalf of the applicant or petitioner and with the applicant's or petitioner's consent.

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this form at the request of the applicant or petitioner. The applicant or petitioner then reviewed this completed form and informed me that he or she understands all of the information contained in, and submitted with, his or her form, including the **Applicant's or Petitioner's Certification**, and that all of this information is complete, true, and correct. I completed this form based only on information that the applicant or petitioner provided to me or authorized me to obtain or use.

Preparer's Signature

8.a. Preparer's Signature

Natalie Wimmer

8.b. Date of Signature (mm/dd/yyyy)

5/11/2023

**United States Department of Homeland Security
United States Citizenship & Immigration Services
Atlanta Field Office**

Re: *I-290B Motion to Reconsider the Dismissal of the Applicant's Motion to Reopen and Reconsider the Denial of his I-485 Application to Adjust Status*

Applicant: Shailesh GODKHINDI

Alien Number: 089-124-563

I-290B Receipt Number: IOE-09-159-64393

Date of Dismissal: April 18, 2023

Dear Sir/Madam:

The above-referenced Applicant, by and through undersigned counsel, requests the U.S. Citizenship & Immigration Services (the "USCIS" or "Service") to grant the motion to reconsider the above-referenced dismissal of the Applicant's previously filed motion to reopen and reconsider the denial of his I-485 Application to Adjust status under 8 C.F.R. §103.5(a)(3) and approve the Applicant's Adjustment of Status Application.

As grounds for the above request, we submit the following:

FACTUAL SUMMARY

On January 26, 2022, the Service denied the Applicant's I-485 Application to Adjust Status. As grounds for the denial the adjudicating officer indicated that the Applicant was "inadmissible for fraud or willful misrepresentation of a material fact." *Enclosed as Exhibit 1, please find a copy of the I-485 Denial Notice.* The facts surrounding the alleged "fraud or willful misrepresentation" will be discussed in detail below.

On April 11, 2022, the Service timely received the Applicant's I-290B Motion to Reopen and Reconsider the denial of the I-485 application. *Enclosed as Exhibit 2, please find the Applicant's I-290B Receipt Notice.* The Applicant's Motion to Reopen and Reconsider contained new evidence contradicting the alleged "fraud or willful misrepresentation of a material fact" referenced by the Service in the denial. The Motion contained a sworn statement by an individual who was present at the time the alleged "fraud or willful misrepresentation of a material fact" occurred and confirmed that the Applicant had no part in the alleged malfeasance.

On April 18, 2023, over a year after submitting the initial I-290B Motion to Reopen and Reconsider, the Service dismissed the motion. *Enclosed as Exhibit 3, please find a copy of the I-290B Dismissal.* The two-page document indicated only that "the evidence submitted did not overcome the reason for the denial of the application or petition." There was no discussion by the officer of any of the legal arguments made by Counsel, nor was there mention of the first-hand account by the Applicant's colleague contradicting the Service's theory of what occurred. **The summary conclusion made by the adjudicating officer, without any discussions as to why the**

relevant evidence was even considered is a gross abuse of discretion that has led to an arbitrary denial.

STANDARD OF REVIEW

Standard of review is governed by the “preponderance of evidence standard” and the Service misapplied the foregoing standard in reviewing the I-290B Motion to Reopen and Reconsider

In matters before the Service, the Petitioner has the burden of establishing that he is eligible for the requested benefit or privilege by a preponderance of the evidence. See 8 C.F.R. §240.64(a) (preponderance in suspension of deportation or cancellation of removal); 8 C.F.R. 1240.8(d) (preponderance in relief from removal); *Matter of Soo Hoo*, 11 I&N Dec. 151 (BIA 1965) (preponderance in visa petitions).

To that end, it is imperative that the Service recognize that the preponderance of the evidence is not evidence that must establish beyond a doubt that the Petitioner is eligible for relief or a certain benefit. *Matter of E-M-*, 20 I. & N. Dec. 77, 78-80 (1989 BIA). Thus, although there may be doubts, nonetheless the Petitioner can establish eligibility. *Id.* Moreover, under the preponderance of the evidence standard, one is also not required to provide clear, unequivocal, and convincing evidence. *Id.* Preponderance of the evidence requires a lesser showing. *Id.* When something has to be proved by clear and convincing evidence, the proof must demonstrate that it is highly probably true. But, when something is to be established by a preponderance of the evidence it is sufficient that the proof only establish that it is probably true. *Id.* at 80. Citing to *E. Cleary*, *McCormick's Handbook of the Law of Evidence* §339 (2d ed. 1972).

Given the above, the Petitioner is cognizant of the fact that under the application of the “preponderance of the evidence” standard the Service may require the examination of each piece of relevant evidence and a determination as to whether such evidence, either by itself or when viewed within the totality of the evidence, establishes that something to be proved is probably true. *Matter of E-M-*, 20 I. & N. Dec. at 80-81.

Furthermore, the AFM also notes at 11.1(c), that **only when the director can “articulate a material doubt” as to the facts and evidence presented is it appropriate to either request additional evidence (RFE), or to deny the application.** The phrase “articulate a material doubt” contained in the AFM should be carefully considered. The plain meaning of the language implies that when faced with prima facie evidence, **the USCIS has the responsibility to provide more than a restatement of the regulations or a summary conclusion that the evidence already presented is not sufficient.** Simply, that has not been done here and the conclusions which have been arrived at by the Service only lead to a capricious and arbitrary decision which is not supported by regulations found at 8 CFR §214.2(h) *et seq.*

For the above-mentioned reasons, and in contemplation of the correct standard of review and discussed above, please find the below evidence of the Service’s reconsideration:

I. The Applicant remains admissible given that he did not commit fraud or willful misrepresentation as attested to by his superior at the time the incident occurred

From 2009-2017, Mr. Godkhindi worked at the Georgia Department of Labor as a contractor under H-1B sponsorship with first Multivision Inc. and then Novalink Solutions LLC. Throughout this 8-year period, Mr. Godkhindi was an exemplary worker and never had any disciplinary actions taken against him neither by his employers nor the GDOL.

Mr. John O'Brien was employed with the Georgia Department of Labor as an Information Technology Finance Manager from 1998-2014. One of his job duties was to oversee the hiring and maintaining of legal documents for nonimmigrant workers contracted to the GDOL through various vendors.

In his letter, Mr. John O'Brien recalls the email that the Service refers to in its denial of Mr. Godkhindi's adjustment application. Mr. O'Brien states that Mr. Godkhindi was called into his office and questioned about the letter and that Mr. Godkhindi denied sending it and did not understand why his name was referenced. *Enclosed as Exhibit 4, please find Mr. John O'Brien's notarized letter including a notarized letter issued by Mr. O'Brien in support of Mr. Godkhindi's H-1B extension from 2013 on GDOL letterhead as evidence of his employment and position with the GDOL.*

Mr. O'Brien then scheduled an in-person meeting with Ms. Jeannie Lu (Account Executive for Novalink) and Mr. Huu Phan (Managing Director of Novalink). During their meeting, Mr. O'Brien recalls that **Ms. Lu admitted to creating the email** but could not explain why she referenced Mr. Godkhindi.

Mr. O'Brien then demanded the following:

1. That Novalink Inform all recipients of the email that it was sent in error and to disregard its content;
2. That the GDOL would no longer accept any applicants for contract positions from Novalink;
3. GDOL would assist all current contractors from Novalink be transferred to other personnel contracting firms;
4. Termination of Jeannie Lu from any dealings with the GDOL.

Mr. O'Brien at no time found Mr. Godkhindi guilty of any wrongdoing relating to this email and in fact Mr. Godkhindi continued to work at the GDOL until 2017. *Enclosed as Exhibit 5, please find letters of support issued by multiple GDOL representatives for Mr. Godkhindi's H-1B Extensions.*

In light of Mr. O'Brien's affirmations and recollection of the email at issue, the Service cannot simply determine that Mr. Godkhindi: "conspired with Ms. Lu" to get a visa approval for Novalink. Ms. Lu was found to be solely responsible for the email based on her admissions and was in fact removed from any dealings with the GDOL as a consequence. Mr. O'Brien's affirmation letter

confirms that Mr. Godkhindi did not commit fraud of any kind nor did he willfully misrepresent any information to a government agency.

Given the above, it is clear that the Service's finding that Mr. Godkhindi was inadmissible due to fraud and willful misrepresentation was in error and should be reconsidered.

II. The Applicant did not procure ANY benefit under a U.S. immigration Law

Under section 212(a)(6)(C)(i) of the Act, any foreign national who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under the Act, is inadmissible.

The above regulation's plain language dictates that to be found guilty of fraud or willful misrepresentation the foreign national must "seek to procure" a visa, other documentation, or admission to the US or other benefit **for himself**. First, as described above, the Mr. Godkhindi did not send the email at question and was found by his superior to have been innocent of doing so. Second, even if Mr. Godkhindi had any part in drafting the letter, he was not "seeking to procure" any **personal** benefit. Mr. Godkhindi was already in valid H-1B status at the time and was not seeking any documentation or admission based on this alleged email correspondence. As such, it was improper for USCIS to find him inadmissible on this ground, given that he had no need to procure any **personal benefit** deriving from this alleged email.

Additionally, the BIA held in *Matter of M-R-*, that misrepresentations must be made on the person's own application. **A misrepresentation made in connection with another's application does not cause inadmissibility for a material misrepresentation.** *Enclosed as Exhibit 6, please find Matter of M-R-, 6 I&N Dec.259 (BIA 1954).*

If any party sought to benefit from the email correspondence, it would have been Novalink Solutions, as it was the party that was seeking to employ the individual referenced in the email. The AAO has held that fraudulent conduct of the Employer/Petitioner cannot necessarily be attributed to the Beneficiary of the Petition. Where an employer committed fraud on an H-1B application, the Beneficiary was found to remain admissible, as he was not the entity signing the related H-1B documentation. *Enclosed as Exhibit 7, please find (Chicago, AAO Apr. 27, 2015), AILA Doc. No. 15061204.*

Mr. Gokdhindi was not the intended Beneficiary of the visa sponsorship referenced in the email and therefore he would not have gained any personal benefit from the alleged fraud or misrepresentation. For this reason he cannot be found inadmissible on this ground.

III. The Applicant has at all times denied any wrongdoing and is of good moral character

In 2013, when Mr. Godkhindi was first questioned about the alleged email by Mr. John O'Brien, he denied having any part in its drafting. Then in 2021, when Mr. Godkhindi was called for his adjustment interview, the interviewing officer asked him again whether he had written an email to

the Department of State and he again denied doing so. *Enclosed as Exhibit 8, please find Mr. Godkhindi's sworn statement from his USCIS interview.* He additionally acknowledged to the interviewing officer that he was not authorized to speak on behalf of the Georgia Department of Labor and had no recollection of the person referenced in the email. Mr. Godkhindi's recollection of the events never wavered and the signed statement by Mr. John O'Brien confirms this.

Additionally, the Applicant has obtained Affidavits from other individuals with whom he worked that each attest to his good moral character and honesty inside and outside of the workplace. *Enclosed as Exhibit 9, please find the Affidavits of Good Moral Character.*

GROUND FOR REQUEST

Under 8 CFR § 103.5(a)(3), a motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy. A motion to reconsider a decision on an application or petition must, when filed, also establish that the decision was incorrect based on the evidence of record at the time of the initial decision.

Based on the following, the Service should grant the Petitioner's motion to reconsider the dismissal of the I-290B Motion to Reopen and Reconsider given the misapplication of the law and clear and gross abuse of discretion by the adjudicating officer. **USCIS has the responsibility to provide more than a restatement of the regulations or a summary conclusion that the evidence already presented is not sufficient.** Here, the Service has absolutely failed to do so.

Mr. Godkhindi did not willfully seek to defraud the State Department as he has continually denied that he had any part in the email correspondence at issue. As a matter of law, Mr. Godkhindi cannot be found inadmissible for fraud or misrepresentation as he did not seek to procure any immigration benefit **for himself**. The regulation's plain language indicates that the fraud or willful misrepresentation must benefit the bad actor himself. As such the Service's determination on this was a misapplication of the law.

CONCLUSION

Accordingly, we hereby request the Service to reconsider the dismissal of the initial Motion to reopen and reconsider the denial of the I-485 Application and apply the proper standard of review in the foregoing matter and conclude that the Applicant, without question, remains admissible to the United States. Mr. Godkhindi has been made a scapegoat for the wrongdoing of an agent of his former employer. He has repeatedly denied ever sending an email to the Department of State.

Furthermore, even if Mr. Godkhindi was involved in any way, the Service cannot find him inadmissible for acts done on behalf of someone else. The law is clear in that to be found inadmissible the alien must have sought an immigration benefit for himself, not a third party.

Failure by the Service to adhere to the proper standard of review in this matter will leave the Petitioner with no other option but to seek relief from the appropriate federal court.

Sincerely,

Dated this 12th day of May, 2023

MALIK & POPIEL, P.C.


By: 
Natalie M. Uhrmacher, Esq.
Senior Counsel

EXHIBIT 1

January 26, 2022

SHAILESH GODKHINDI
116 ADDISON LN
ALPHARETTA, GA 30005

RE: SHAILESH GODKHINDI
I-485, Application to Register Permanent Residence or
Adjust Status

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
2150 Parklake Drive
Atlanta, GA 30345



U.S. Citizenship
and Immigration
Services



MSC1891698796



A089-124-563

DECISION

Dear SHAILESH GODKHINDI:

On August 29, 2018, you filed a Form I-485, Application to Register Permanent Residence or Adjust Status, with U.S. Citizenship and Immigration Services (USCIS) under section 245 of the Immigration and Nationality Act (INA). You filed Form I-485 based on being the beneficiary of an employment-based immigrant petition.

After a thorough review of your application, your testimony during your interview, and the record of evidence, we must inform you that we are denying your application. To qualify for adjustment under INA 245, an applicant must:

- Be inspected and admitted or inspected and paroled into the United States;
- Be eligible to receive an immigrant visa;
- Be admissible to the United States for permanent residence; and
- Have an immigrant visa immediately available at the time the application is filed.

You must demonstrate that you are eligible to adjust status to a lawful permanent resident (LPR). See Title 8, Code of Federal Regulations (8 CFR), section 245.1.

Statement of Facts and Analysis, Including Reason(s) for Denial

On December 21, 2021, you appeared for an interview to determine your eligibility for adjustment of status. During the interview and review of your application with an Immigration Services Officer, you testified that the information on your Form I-485, along with any amendments made during the adjustment interview, and supporting evidence were true and correct.

After reviewing the evidence and the testimony provided at the interview, USCIS records indicate that you are inadmissible for fraud and willful misrepresentation.

A review of the record shows you compiled an email to the Visa Office, Consulate General of United States of America, Mumbai, India as an employee of Georgia State Department of Labor. The email was sent from: shailesh.godkhindi@dol.state.ga.us. The email states you as an employee of Georgia Department of Labor who is authorized to speak on behalf of Georgia Department of Labor regarding staffing needs. The email states that due to internal state government regulations, you cannot provide

an original letterhead client letter, but to accept the email as confirmation that your project will require the services of Novalink's employee, Mr. Gondí. You stated that Novalink Solutions is one of your top partners in supplying IT services to Georgia Department of Labor.

Further review of the record shows attestation from Georgia Department of Labor Employment Services to U.S. Department of State Visa Services Office, Visa Support Services, stating verification of your employment and employer. The email from an Georgia Department of Labor employee states the following: there is no relationship between Georgia Department of Labor and Novalink Solutions, LLC, Georgia Department of Labor does not anticipate receiving the services of Harshavardhan Reddy Gondí, you are employed as an independent contractor working as a data architect, you are not authorized to speak on behalf of the Georgia Department of Labor regarding staffing needs.

During your interview, you were confronted regarding the information in the record. You were asked about your employment history with Georgia Department of Labor. You stated you started working with the Georgia Department of Labor while with Multivision in February 2009. Then you continued working with Georgia Department of Labor when you became an employee of Novalink in 2011. You stated Novalink and Multivision had partnered from 2009 to 2017, during that time you worked on different assignments for Georgia Department of Labor. You stated you mainly worked at Novalink's office but would go to Georgia Department of Labor for meetings and presentations. You stated your title while working with Georgia Department of Labor was data architecture as an employee of Novalink.

You were asked regarding the email you compiled to U.S. Department of State. You were asked if you ever represented yourself as a Georgia Department of Labor employee. You responded that you never represented yourself as an employee of Georgia Department of Labor. You were an employee of Novalink Solutions. You were asked if you ever responded, recall that you responded, to an email from the U.S. Department of State Visa Office, while working with the Georgia Department of Labor. You responded you did not remember, you might have. You continued saying that you do not remember doing that, that maybe Novalink requested you doing that, but you don't remember responding to any emails from the Department of State, you continued by saying that you did not have any direct communication with U.S. Department of State.

You were asked if you ever responded to any emails from U.S. Department of State falsely stating that you were an employee of Georgia Department of Labor authorized to comment on staffing. You responded that you did not respond to any emails, that Novalink had asked you for it. It was not directly to any State Department or any other department. You continued by saying you did not communicate to any federal or government agencies. You then went into more detail regarding the event in question. You stated it was an employee error by Novalink, they asked you to comply with that request. You never communicate with Department of State. During questioning you began to recall more about the incident. You stated the request from U.S. Department of State was sent to Novalink. An employee, who is no longer with the company, had requested you put this email together. It was not intended to be put to any use.

You were asked about the employee who requested you put the email together. You were asked their name and what they wanted you to do exactly. You responded with the name of the employee in question being Jeannie Lu. You stated she is no longer with the company. Jeannie Lu asked you to send her an email for somebody, some prospect that Novalink is hiring. Novalink wanted some sort of testimony, it was supposed to be a test email. It was not supposed to not be sent at all. It was intended to be harmless from your end. It was not meant for any serious business or any misrepresentation. You stated you did not communicate with the State Department, you were not representing yourself as an employee of GDOL, you never have.

You were asked what the name of the prospect was. You responded stating you do not remember. It was not meant to be something serious, therefore, you do not know all the details. You were asked if

you were ever authorized to speak on behalf of the Georgia Department of Labor regarding staffing needs. You responded by stating no. You continue stating the email was made as a request for an employee, Jeannie Lu, as a testimony, if she used it you were not aware of it.

You were asked if you knew the name Harshavardhan Reddy Gondi. You responded that you have no recollection of the name. You were asked if Harshavardhan Reddy Gondi ever work under you or reported to you. You responded by stating you do not know if that is a real person.

USCIS finds that your testimony contradicts information in the record. You stated during the interview you did not respond to an email from the U.S. Department of State Visa Office, but it is evident you intended to write an email to the Visa Office, Consulate General of United States of America, Mumbai, India. You stated during the interview you never responded to any emails from the U.S. Department of State falsely stating that you were an employee of Georgia Department of Labor authorized to comment on staffing needs, but it is evident in the email you stated your name and your position with Georgia Department of Labor. You stated you never represented yourself as a Georgia Department of Labor employee only, but it is evident in the email you represented yourself as an employee of Georgia Department of Labor.

During the interview you recalled being asked by another Novalink Solutions employee, Jeannie Lu, to put this email together. It appears she requested you to act on behalf of a Georgia Department of Labor employee to recommend Harshavardhan Reddy Gondi, the potential prospect, to come work for Georgia Department of Labor. It appears you conspired with Jeannie Lu to get a visa approval for the petitioner, Novalink Solutions, LLC and the beneficiary, Harshavardhan Reddy Gondi. All this was done while you were on H1B status as a contractor through Novalink Solutions to Georgia Department of Labor.

The record reflects that you participated in Fraud and Material Misrepresentation. You sought to procure a benefit under U.S. immigration law, you made false representation, you made the false representation willfully, the false representation was material, and you made the false representation to a U.S. government official. See INA 212(a)(6)(C)(i).

Therefore, you are inadmissible to the United States under INA 212(a)(6)(C)(i) for fraud or willful misrepresentation of a material fact. You did not apply for a waiver of this inadmissibility.

You have not established that you are eligible for adjustment under INA 245. Therefore, USCIS must deny your Form I-485.

The evidence of record shows that, when you filed your application, you were lawfully present in the United States. Your period of authorized stay has expired.

You are not authorized to remain in the United States. If you do not intend to file a motion on this decision and fail to depart the United States within 33 days of the date of this letter, USCIS may issue you a Notice to Appear and commence removal proceedings against you with the Immigration Court. This may result in your being removed from the United States and found ineligible for a future visa or other U.S. immigration benefit. See sections 237(a) and 212(a)(9) of the INA.

To review information regarding your period of authorized stay, check travel compliance, or find information on how to validate your departure from the United States with Customs and Border Protection (CBP), please see (<https://i94.cbp.dhs.gov/I94/#/home>).

You may not appeal this decision. However, if you believe that the denial of your Form I-485 is in error, you may file a motion to reopen or a motion to reconsider using Form I-290B, Notice of Appeal or Motion. The grounds for a Motion to Reopen and Motion to Reconsider are explained in 8 CFR

103.5(a). You must file Form I-290B within 30 days of the date of this decision if this decision was served in person, or within 33 days if the decision was served by mail. See 8 CFR 103.5(a) and 103.8(b). Note: You must follow the most current filing instructions for Form I-290B, which can be found at www.uscis.gov.

To access Form I-290B or if you need additional information, please visit the USCIS Web site at www.uscis.gov or call the USCIS Contact Center toll free at 1-800-375-5283. You may also contact the USCIS office having jurisdiction over your current place of residence.

NOTE on Employment Authorization Document: Any employment authorization based upon this Form I-485 is automatically terminated if the expiration date on the employment authorization document has been reached. See 8 CFR 274a.14(a)(1)(i). Since this Form I-485 is denied, the condition upon which your employment authorization was based no longer exists. Any unexpired employment authorization based upon this Form I-485 is revoked as of 18 days from the date of this notice, unless you submit, within 18 days, proof that your Form I-485 remains pending. See 8 CFR 274a.14(b)(2). The decision by the district director shall be final and no appeal shall lie from the decision to revoke the authorization. Your employment authorization document should be returned to the local USCIS office.

NOTE on Advance Parole Document: Any advance parole document based upon this Form I-485 is automatically terminated if the expiration date of the time for which parole was authorized has been reached. See 8 CFR 212.5(e)(1)(ii). Since this Form I-485 is denied, the purpose for which your advance parole document was issued has been accomplished. Any unexpired advance parole document issued to you based upon this Form I-485 is terminated as of the date of this notice. See 8 CFR 212.5(e)(2)(i). Your advance parole document should be returned to the local USCIS office.

Sincerely,



Shineka C. Miller
Field Office Director

cc: JITESH MALIK



MSC1891698796



A089-124-563



EXHIBIT 2

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

NOTICE TYPE Receipt		NOTICE DATE April 19, 2022
CASE TYPE I-290B, Notice of Appeal or Motion		USCIS ALIEN NUMBER A089124563
RECEIPT NUMBER IOE0915964393	RECEIVED DATE April 11, 2022	PAGE 1 of 1
		DATE OF BIRTH

SHAILESH GODKHINDI
C/O NATALIE M. UHRMACHER ESQ MALIK AND POPIEL P
7606 TRANSIT ROAD STE 200
BUFFALO, NY 14221

PAYMENT INFORMATION:

Application/Petition Fee: \$675.00
Total Amount Received: \$675.00
Total Balance Due: \$0.00



NAME AND MAILING ADDRESS

We have received your form and are currently processing the above case. If this notice contains a priority date, this priority does not reflect earlier retained priority dates. We will notify you separately about any other case you filed.

If we determine you must submit biometrics, we will mail you a biometrics appointment notice with the time and place of your appointment.

If you have questions or need to update your personal information listed above, please visit the USCIS Contact Center webpage at uscis.gov/contactcenter to connect with a live USCIS representative in English or Spanish.

USCIS Office Address:

Department of Homeland Security
Vermont Service Center
38 River Rd
Essex Junction, VT 05479-0001

USCIS Contact Center Number:

(800)375-5283
ATTORNEY COPY



EXHIBIT 3

April 18, 2023

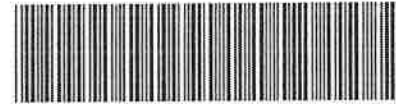
NATALIE M UHRMACHER ESQ
MALIK AND POPIEL PC
7606 TRANSIT ROAD STE 200
BUFFALO, NY 14221

RE: SHAILESH GODKHINDI
I-290B, Notice of Appeal or Motion



U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
2150 Parklake Drive
Atlanta, GA 30345

U.S. Citizenship
and Immigration
Services



IOE0915964393



A089-124-563

DECISION

On April 11, 2022, you filed a Form I-290B, Notice of Appeal or Motion, with U.S. Citizenship and Immigration Services (USCIS) as a motion to reopen and/or reconsider the decision on a Form I-485, Application to Register Permanent Residence or Adjust Status. USCIS denied the Form I-485, receipt number MSC1891698796, on January 26, 2022.

Title 8 Code of Federal Regulations (8 CFR), section 103.5(a) states, in pertinent part, that:

(2) Requirements for motion to reopen. A motion to reopen must state the new facts to be provided in the reopened proceeding and be supported by affidavits or other documentary evidence. A motion to reopen an application or petition denied due to abandonment must be filed with evidence that the decision was in error because:

- (i) The requested evidence was not material to the issue of eligibility;
- (ii) The required initial evidence was submitted with the application or petition, or the request for initial evidence or additional information or appearance was complied with during the allotted period; or
- (iii) The request for additional information or appearance was sent to an address other than that on the application, petition, or notice of representation, or that the applicant or petitioner advised the Service, in writing, of a change of address or change of representation subsequent to filing and before the Service's request was sent, and the request did not go to the new address.

(3) ...A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy. A motion to reconsider a decision on an application or petition must, when filed, also establish that the decision was incorrect based on the evidence of record at the time of the initial decision.

After a thorough review, we cannot approve your motion for the following reason(s):

The evidence you submitted with this motion does not overcome the reason(s) for the denial of your application or petition.

We hereby dismiss the Form I-290B, Notice of Appeal or Motion. The decision to deny the Form I-485, Application to Register Permanent Residence or Adjust Status, case MSC1891698796, is affirmed.

This decision is without prejudice to future applications filed with the appropriate USCIS office.

Sincerely,

A handwritten signature in cursive script, reading "Shineka C. Miller".

Shineka C. Miller
Field Office Director



EXHIBIT 4

John O'Brien

782 Terrace Trace
Lawrenceville, GA 30044
404.234.1626

Jitesh Malik, Esq.
Managing Partner
Malik & Popiel, P.C.
55 Old Nyack Turnpike
Suite 404
Nanuet, NY 10954

February 14, 2022

Dear Mr. Malik,

I worked as the Information Technology Finance Manager for the Georgia Department of Labor (GDOL) from February of 1998 through March 2014. One of my duties was to oversee the hiring and maintaining of all legal documents for approximately seventy-two green card and visa contract workers from multiple personnel companies. These companies were listed on the state of Georgia approved vendor website.

In that the incident with Mr. Shailesh Godkhindi occurred in 2013 (9 years ago) I may be somewhat vague on the details as I no longer have access to either the vendor file or my notes. I don't remember the exact contents of the document other than there was something that didn't seem right.

I do remember that in November of 2013 I received an email document that called into question the validity of contractor Shailesh Godkhindi. I called him into my office to discuss the document and was told that he never wrote it and did not understand why his name was referenced. I scheduled a meeting in early December with Jeannie Lu (Account Rep) of Novalink Solutions to discuss the origin of the document. The day of the meeting Ms. Lu brought with her Mr. Huu Phan (Managing Director) of Novalink Solutions.

During these discussions, Ms. Lu admitted to creating this document but could not explain why she referenced Mr. Godkhindi. Mr. Phan apologized profusely and asked what he could do to correct this situation. I demanded the following:

1. Officially inform all recipients that the original document was sent in error and to disregard the content of the entire document. They were to copy me on all recipients of this retraction document.
2. GDOL will no longer accept any applicants for contractor positions from Novalink Solutions.
3. GDOL will assist all current Novalink Solutions contractors assigned to GDOL in transferring to other more reputable personnel contracting firms if they so desire.
4. Termination of Account Rep Jeanne Lu, if not from Novalink directly, then from any current contractor assigned to GDOL.

I also stated that failure to inform all recipients of this document will result in my having to inform the proper authorities of what I deemed as fraud committed by personnel of Novalink Solutions. This included:

1. Referral Jeanne Lu and Novalink Solutions to the Attorney General's office for wire fraud and possible unauthorized use of Mr. Godkhindi's identity.
2. Request the Georgia Department of Administrative Services to remove Novalink Solution from their approved vendor list
3. Request the Georgia Department of Revenue to revoke the business license of Novalink Solutions from doing business in the state of Georgia.

Unfortunately, around this timeframe I had some health issues, so I took family leave and then decided to retire from GDOL. To the best of my knowledge, my duties were handed off to four other persons within GDOL and I'm assuming that no one picked-up and worked my follow-up file, which would have necessitated contact with Novalink Solutions to determine if they met my demands.

I hope this information will help to clear Mr. Godkhindi's name from any involvement in this situation.

Regards



John O'Brien

Georgia Department of Labor - Retired

Heman Patel



Cc: Shailesh Godkhindi



GEORGIA DEPARTMENT OF LABOR

Information Technology Division
223 Courtland Street, Suite 405
Atlanta, GA 30303-1751
Telephone (404) 232-7538 • Facsimile (404) 232-7868

MARK BUTLER
COMMISSIONER

July 10, 2013

To Whom It May Concern

This letter is to verify that Covendis has contracted Mr. Shallesh Godkhindi's services through his employer Novalink Solutions LLC to work for our client Georgia Department of Labor (GDOL) as a Data Architect.

Mr. Godkhindi's job assignment and duties are:

- Replace multiple legacy systems with an n-Tier integrated solution utilizing web portals and Java development language.
- Architect large data solutions, logical and physical data modeling, and data migration planning and implementation on a multi-phase project.
- Work with DB2 database application administrator with logical and physical data modeling skills.
- Generate detailed logical data models and physical schema diagrams from system user requirements as well as analyzing existing physical data for data migration.
- Use documentation skills in automated tools for both logical and physical data model as well as monitoring of data performance.
- Develop a new consolidated data model that normalizes the current duplicated data, improves the database performance and facilitates enhanced data reporting.
- Make recommendations on the best approach to manage data based on current situation and business needs.
- Prepare project Data Design Document that defines the logical and physical needs, data migration requirements and conversion strategy, data security requirements, data backup and archive; as well as the implementation of all data approaches.

Novalink Solutions LLC will have the right to control Mr. Shallesh Godkhindi's work throughout the duration of his assignment.

Sincerely,

John O'Brien
I.T. Finance Manger
Information Technology Division
Georgia Department of Labor
223 Courtland Street, Suite 405
Atlanta, GA 30303

Contact Details:
Email: john.obrien@gdol.ga.gov
Phone: 404-232-7538
Fax: 404-232-7568

An Equal Opportunity Employer

EXHIBIT 5



GEORGIA DEPARTMENT OF LABOR

Information Technology Division
223 Courtland Street, Suite 400
Atlanta, Georgia 30303-1751
Telephone (404) 232-7500 • Facsimile (404) 232-7568

MARK BUTLER
COMMISSIONER

JEFF MAY
CHIEF INFORMATION OFFICER

July 6, 2016

To Whom It May Concern:

This letter is to verify that Covendis has contracted Mr. Shailesh Godkhindi's services through his employer Novalink Solutions LLC to work for our client Georgia Department of Labor (GDOL) as a Data Architect.

Mr. Godkhindi's job assignment and duties are:

- Architect large data solutions, logical and physical data modeling, and data migration planning and implementation on a multi-phase project.
- Work with DB2 database application administrator with logical and physical data modeling skills.
- Generate detailed logical data models and physical schema diagrams from system user requirements as well as analyzing existing physical data for data migration.
- Use documentation skills in automated tools for both logical and physical data model as well as monitoring of data performance.
- Develop a new consolidated data model that normalizes the current duplicated data, improves the database performance and facilitates enhanced data reporting.
- Make recommendations on the best approach to manage data based on current situation and business needs.
- Prepare project Data Design Document that defines the logical and physical needs, data migration requirements and conversion strategy, data security requirements, data backup and archive; as well as the implementation of all data approaches.

Novalink Solutions LLC will have the right to control Mr. Shailesh Godkhindi's work throughout the duration of his assignment.

Sincerely,

A handwritten signature in cursive script that reads "Kenya R Williams".



GEORGIA DEPARTMENT OF LABOR

148 ANDREW YOUNG INTERNATIONAL BLVD., N.E. ♦ ATLANTA, GEORGIA 30303-1751

MARK BUTLER
COMMISSIONER

To Whom It May Concern

This letter is to verify that Covendis has contracted Mr. Shailesh Godkhindi's services through his employer Novalink Solutions LLC to work for our client Georgia Department of Labor (GDOL) as a Data Architect.

Mr. Godkhindi's job assignment and duties are:

- Replace multiple legacy systems with an n-Tier integrated solution utilizing web portals and Java development language.
- Architect large data solutions, logical and physical data modeling, and data migration planning and implementation on a multi-phase project.
- Work with DB2 database application administrator with logical and physical data modeling skills.
- Generate detailed logical data models and physical schema diagrams from system user requirements as well as analyzing existing physical data for data migration.
- Use documentation skills in automated tools for both logical and physical data model as well as monitoring of data performance.
- Develop a new consolidated data model that normalizes the current duplicated data, improves the database performance and facilitates enhanced data reporting.
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- Prepare project Data Design Document that defines the logical and physical needs, data migration requirements and conversion strategy, data security requirements, data backup and archive; as well as the implementation of all data approaches.

Novalink Solutions LLC will have the right to control Mr. Shailesh Godkhindi's work throughout the duration of his assignment.

Sincerely,

Frankie Cuford
6/24/15



GEORGIA DEPARTMENT OF LABOR

148 ANDREW YOUNG INTERNATIONAL BLVD., N.E. ♦ ATLANTA, GEORGIA 30303-1751

MARK BUTLER
COMMISSIONER

This letter is to verify that Covendis has contracted Mr. Shailesh Godkhindi's services through his employer Novalink Solutions LLC to work for our client Georgia Department of Labor (GDOL) as a Data Architect.

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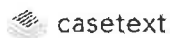
Sincerely,

Frankie Alford
8/8/14

Frankie Alford
Budget Analyst
Information Technology
148 International Blvd.
Courtland 400
Atlanta, GA 30303
Tel 404-232-7623
Frankie.Alford@gdol.ga.gov



EXHIBIT 6



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In the Matter of M---- R

Board of Immigration Appeals Jul 30, 1954 6 I&N Dec. 259 (B.I.A. 1954)

1409/8600.

Decided by Board July 30, 1954.

Inadmissibility — Section 212 (a) (19) of Immigration and Nationality Act does not encompass procurement of documents illegally for another.

The bar to admissibility contained in section 212 (a) (19) of the Immigration and Nationality Act applies only to the alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation by fraud, or by willfully misrepresenting a material fact to gain his own admission into the United States. It does not apply to the alien who procured false documentation on behalf of another to facilitate the latter's admission into the United States.

EXCLUDABLE:

Section 212 (a) (19) IN Act — Procuring documentation by fraud.

BEFORE THE BOARD



Red flags, copy-with-cite, case summaries, annotated statutes and more.

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BEFORE THE BOARD

Discussion: Appeal from the order of the special inquiry officer finding appellant inadmissible under section 212 (a) (19), Immigration and Nationality Act, on the ground that he had procured documentation for entry into the United States by fraud. The documentation, consisting of birth certificates, was not for the appellant, but for his two alien children.

In 1947, the appellant, an alien, and his wife, a United States citizen, fraudulently obtained the registration of their two Mexican-born children in Texas. The birth certificates showed the birth of the children in Texas. This was done for the purpose of securing papers which the alien children could use to enter the United States. The issue we will consider is whether the procurement of documentation mentioned in section 212 (a) (19) of the Immigration and Nationality Act must be a procurement by one who himself seeks admission to the United States or whether a person who procures documentation illegally for another is within the reach of the section.

¹ ¹ In this discussion we have, solely for the sake of argument, assumed that procuring a birth certificate is procurement of "other d ... ot decide this question now. It is unnecessary in view of the decision \ Download

make the procurer inadmissible. We do not follow this view. A careful reading of this section makes it clear to us that the bar to admission applies only to that alien who caused the procurement to *gain his own admission*. Section 212 (a) (19), Immigration and Nationality Act, makes inadmissible to the United States "Any alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation or seeks to enter the United States, by fraud, or by willfully misrepresenting a material fact." The meaning of "Any alien," the phrase which is the subject of each clause in the section in question, is doubtful. Does it mean an alien who does something on his own behalf or on behalf of another, or is it so limited as to exclude from its terms an alien who does something in the interest of another?

The meaning of a doubtful word may be learned by reference to its association with other words in the statute (*Neal v. Clark*, 95 U.S. 704, 24 L. Ed. 586). The expression "Any alien" is associated in the last clause with the phrase "seeks to enter the United States." The last clause, if the implied subject and verb were expressed, would read "Any alien who seeks to enter the United States, by fraud, *etc.*, is inadmissible." This clause would not bar the entry of an alien who by fraud, *etc.*, upon inspection, at the time of attempted entry, sought to bring about the admission of one other than himself. For only the alien who seeks to accomplish his own admission is barred by the clause in question. We conclude that the phrase "Any alien" which is the subject of all clauses of the section in question should be given the same meaning in each clause in the absence of congressional intent to the contrary; and the section should be held applicable only to the alien whose machinations were on his own behalf.

Logic and the congressional history of the act appear to dictate our conclusion. It logically follows that since there is no bar to the admission of the alien, who at the time of applying for admission attempted to obtain the unauthorized entry of another, there should be no bar to the admission of the alien because his misdeeds were committed prior to the application for admission.

As to congressional intent, while we find no clear cut directive that the section is to be applied only to the alien who seeks to bring about his own unauthorized entry, we find no evidence that Congress desired the words "Any alien" be given a different meaning in the different clauses of the section. We find congressional expression does reveal some support
 261 for our view. The Conference Report which accompanied the bill which became the *261 Immigration and Nationality Act contains the following language concerning the section in question:

It is also the opinion of the conferees that the sections of the bill which provide for the exclusion of aliens who obtained travel documents by fraud or by willfully misrepresenting a material fact, should not serve to exclude or to deport certain bona fide refugees who in fear of being forcibly repatriated to their former homelands misrepresented *their* place of birth when applying for a visa and such misrepresentation did not have as its basis the desire to evade the quota provisions of the law or an investigation in the place of their former residence. (Emphasis added.) (H. Report 2096, 82d Cong., 2d sess., p. 128; see also H. Report 1365, 82d Cong., 2d sess., p. 50.)

In brief, this quotation states that a person who made a misrepresentation in his own behalf in fear of repatriation should not be excluded. Download n is found of misrepresentations made on behalf of an alien's wife or child. Only the person who made misrepresentations on



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inadmissible if the misrepresentations were made to save his wife and child? We think not. We think the absence of language in the illustration relating to a person other than the applicant for admission should be interpreted as some evidence that the framers of the law did not envision the use of its provisions to exclude aliens whose misdeeds were on behalf of others; there was, therefore, no reason to admonish the administrators of the law as to the effect of a misrepresentation in such a case.

While it would appear that one who performed the forbidden acts to assist another to enter is as undesirable as one whose misdeeds were on his own behalf, the law is not worded in such a manner as to require the exclusion of a person in the class first mentioned. We have no authority to enlarge the class of inadmissible aliens. The appeal must be sustained.

Order: It is ordered that the appeal be and the same is hereby sustained.

262 *262

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EXHIBIT 7

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

[REDACTED]
[REDACTED]
[REDACTED]

DATE: APR 27 2015

OFFICE: CHICAGO

FILE: [REDACTED]

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Waiver of Grounds of Inadmissibility pursuant to Section 212(i) of the Immigration and Nationality Act, 8 U.S.C. § 1182(i)

ON BEHALF OF APPLICANT:

ROBERT C. MILLA
~~MILLA LAW LLC~~ MILLA VICARIO LLC
225 W. WASHINGTON ST., STE. 2200
CHICAGO, IL 60606

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,



Ron Rosenberg
Chief, Administrative Appeals Office

A [REDACTED]
Page 2

NON-PRECEDENT DECISION

DISCUSSION: The waiver application was denied by the Field Office Director, Chicago, Illinois and the matter is before the AAO on appeal. The appeal will be dismissed as the applicant is not inadmissible and the underlying waiver application is unnecessary.

The applicant is a native and citizen of Bulgaria who was found to be inadmissible to the United States pursuant to section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for having procured a benefit under the Act through fraud or misrepresentation. The applicant seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to reside in the United States with his U.S. citizen spouse.

On July 28, 2014, the Field Office Director concluded that the applicant was inadmissible under section 212(a)(6)(C)(i) of the Act and did not demonstrate extreme hardship to a qualifying relative as a result of his inadmissibility. The waiver application was denied.

On appeal, the applicant states that the Field Office Director erred in denying the application for a waiver of inadmissibility as the applicant established extreme hardship to his U.S. citizen spouse. The applicant also states that the Field Office Director did not establish that the applicant was inadmissible under section 212(a)(6)(C)(i).

In support of the waiver application, the record includes, but is not limited to: briefs from the applicant, biographical information for the applicant, his spouse, his child and his stepchildren; photographs; financial information for the applicant and spouse including documentation of income and expenses; information regarding the applicant's spouse's psychological health; statements from family and friends of the applicant and his spouse; country conditions information concerning Bulgaria; and documentation of the applicant's immigration history in the United States.

The AAO conducts appellate review on a de novo basis. See *Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). The entire record was reviewed and considered in rendering a decision on the appeal.

The applicant was found to be inadmissible under section 212(a)(6)(C) of the Act, which provides, in pertinent part:

(i)...Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible.

...

The Field Office Director determined that the applicant was inadmissible under section 212(a)(6)(C)(i) of the Act as a result of fraud or misrepresentation in connection with the Form I-129, Petition for a Nonimmigrant Worker, filed on his behalf by [REDACTED], which was revoked for fraud on June 2, 2008. The record indicates that the petitioner pled guilty to

A [REDACTED]
Page 3

NON-PRECEDENT DECISION

federal visa fraud charges based on I-129 petitions filed on behalf of the applicant and others. We must turn to whether the record demonstrates that the applicant is inadmissible under section 212(a)(6)(C)(i) of the Act based on the petitioner's filing of the fraudulent I-129 petition on his behalf, which contained false representations or misrepresentations.

The Board of Immigration Appeals (Board or BIA) held that the term "fraud" in the Act "is used in the commonly accepted legal sense that is, as consisting of false representations of a material fact made with knowledge of its falsity and with intent to deceive the other party." *Matter of G-G*, 7 I&N Dec. 161, 164 (BIA 1956). To constitute a fraud, an alien must have made a false representation of a material fact, with knowledge of its falsity and with intent to deceive a government official, and the misrepresentation must have been believed and acted upon by the official. *Id.* It is not clear from the record at this time that the applicant made a false representation of material fact, as the Form I-129 was filed and signed by the petitioner, not the beneficiary.

Additionally, a misrepresentation must be shown by clear, unequivocal, and convincing evidence to be predictably capable of affecting, which is, having a natural tendency to affect, the official decision in order to be considered material. *See Kungys v. United States*, 485 U.S. 759, 7771-71 (1988); *see also Matter of Tijam*, 22 I&N Dec. 408 (BIA 1998); *Matter of Martinez-Lopez*, 10 I&N Dec. 409 (BIA 1962; AG 1964). The record also fails to indicate that the applicant made a willful misrepresentation of a material fact in connection with the fraudulent Form I-129 filed on his behalf.

As such, there is not sufficient evidence in the record that the applicant committed fraud or made a material misrepresentation "to procure...a visa, other documentation, or admission into the United States or other benefit provided under this Act." The record does not demonstrate that the applicant is inadmissible under section 212(a)(6)(C)(i) of the Act for fraud or willful misrepresentation of a material fact.

The applicant is not inadmissible under section 212(a)(6)(C)(i) of the Act and therefore does not require a waiver of inadmissibility. Accordingly, the appeal will be dismissed as the applicant is not inadmissible.

ORDER: The appeal is dismissed as the applicant is not inadmissible and the underlying waiver application is unnecessary.

EXHIBIT 6

Department of Homeland Security

U.S. Citizenship and Immigration Services

Record of Sworn Statement

APPLICANT NAME: Shailesh Godkhindi FILE NO A089124563 DATE _____

EXECUTED AT Atlanta Field Office

Before the following officer of the U.S. Citizenship & Immigration Services: Espinoza
(NAME AND TITLE)

in the English language. Interpreter _____ used.

I, SHAILESH GODKHINDI, acknowledge that the above named officer has identified himself/herself to administer oaths and take testimony in connection with the enforcement of the Immigration and Nationality laws of the United States. He/she has informed me that he/she desires to take my sworn statement regarding: **My immigration history.**

He/she has told me that my statement must be made freely and voluntarily. I am willing to make such a statement. I swear that I will tell the truth the whole truth, and nothing but the truth, so help me, God.

Being duly sworn, I make the following statement:

Q: What is your full name?

A: Shailesh Godkhindi SA

Q: Have you used any other names at any point in time in your life, nicknames, maiden names, aliases?

A: No sir SA

Q: Are you under the influence of any controlled substance, drugs, narcotics right now?

A: No sir SA

Q: when did you first start working in the United States, what year and employer?

A: First started working in February 2001, company called Crescent Systems. I came as their H1B. In October 2001 I started at University Healthsystem Consortium. In March 2006, I moved to Multivision Inc. Then in August 2011, I moved to Novalink Solutions. SA

Q: What projects did you work for with Crescent Systems?

A: University Healthsystem was a client of Crescent system, so I was working as an database architect. I was working I house in all their internal projects. SA

Q: did you leave Crescent Systems to go work for University Healthsystem Consortium directly?

A: yes sir. It was an H1B transfer SA

Q: What projects did you work for at University Healthsystem Consortium?

A: All their internal projects involving creating architectures for their different softwares. Involving SQL server, creating tables. Optimizing database design. That has been my job function for the last 20 years, creating data models, architure patterns and systems. Creating nexus, designing tables, optimization queries. SA

Q: Was was your title at University Healthsystem Consortium?

A: it was data architect SA

Q: Did you manage people or have a team under you?

A: not, not really, we specialized roles, I would coordinate with people but have no one reporting SA

Q: Then you moved to Multivision Inc, what were your jobs, responsibilities, projects?

A: it was essentially the same work for different clients of Multivision SA

Q: Who were the clients of Multivision Inc?

A: TicketsNow, Wachovia Corp. American Medical Assoc., Discover Financials *SM*

Q: What was your title with Multivision?

A: Data Architect *SM*

Q: Did you manage people or have a team under you?

A: not really, it was more of a matrix organization, they were reporting to me, but I would be functionally involved in different project, I would work with them, coordinate with them. *SM*

Q: What were your jobs, responsibilities, projects at Novalink?

A: Again, the same kind of work, they do work with state government and some of the other private companies, I was with Georgia Dept of Labor, South Carolina Social Services, also private companies in this area, National Christian Foundation. Job function are the same. *SM*

Q: Did you work for the Novalink clients at their inhouse location?

A: sometimes I would have to go to their offices for meetings? *SM*

Q: What was your title with Novalink?

A: With Novalink the employer Data Architecture. *SM*

Q: You said Georgia Dept of Labor was one of the clients you work for, is this correct?

A: Yes sir. It's basically a different a projects for them in house but through Novalink *SM*

Q: What dates did you work with the Georgia Dep of Labor?

A: It was February 2009. Although I was employed with Multivision, Novalink was the, they had the contract together, so Novalink and Multivision had partnered, from 2009 to 2017. Different projects different assignments for DOI. And then of course I became an employee of Novalink in 2011. *SM*

Q: Did you work inhouse at the Georgia Dept of Labor?

A: No, mainly at Novalinks offices, I was present for meetings and coordination, discussion, basically meetings and presentations. *SM*

Q: What was your title while working with Georgia Dept of Labor?

A: it was data architecture, I'm an employee of Novalink, so same title *SM*

Q: Did you have a team or manage anyone while working with Georgia Dept of Labor?

A: No sir, again the same concept of matrix organization. And the same applies for all my future projects *SM*

Q: Where you given a Georgia Dept of Labor email address?

A: ah for the duration of the projects, yes, I don't remember right now *SM*

Q: Did you ever represent yourself as a Georgia Dept of Labor employee only?

A: No sir, I never represented myself as an employee of Georgia Dept of Labor. I was an employee of Novalink solutions. *SM*

Q: Did you ever response, recall that you respond, to an email from US Dept of State Visa Office, while working with the Georgia Dept of Labor?

A: I don't remember, I might have. No, I don't remember doing that, maybe Novalink requested me doing that, but I don't remember responding to any email from the Department of State. *I did not have any direct communication with US Dept. of State. SM*

Q: Did you ever response to any emails from U.S Dept of State falsely stating that you were an employee of Georgia Dept of Labor authorized to comment on staffing?

A: No sir, It was a request that Novalink had asked me for a it was not directly to any State Department or any other department, I did not communicate to any federal or government agencies or than those involved in the project, so your answer to the question is no. So, it was an employee error by Novalink, they asked me to comply with that request, I never communicate with Department of State. And that employee is no longer with Novalink. *SM*

I recall the specific details of what you are talking and I'm explaining to you

It was sent to Novalink, the employee who is no longer with the company had requested to put this email together, it was not intended to be put to any use. I have no communication with the State Department. *SM*

Q: You mention an employee requested you put this email together, what is the name of the employee and what did he want you to do exactly?

A: it was basically, the name of the employee was Jeannie Lu, she is no longer with the company, she asked me basically to send her and email for somebody, some prospect they were hiring, they wanted some sort of testimony, it was supposed to be a test email, it was supposed to not be sent at all. I also explained it to my supervisor at GDOL, it was settled, I continued working, it was a harmless, intended to be harmless from my end. It was not meant for any serious business or any misrepresentation. So, I did not communicate with the State Department, I was not representing myself as an employee of GDOL I never have. *SM*

Q: what was the name of the prospect you mentioned?

A: I don't remember sir, Like I said it was not meant to be something serious. So, I don't know all the details. *SM*

Q: Were you ever authorized to speak on behalf of the Georgia Department of Labor regarding staffing needs? *SM*

A: No sir

This email was made as a request for an employee Jeanie Lu, as a testimony, if she used it I was not aware of it, I made that clear to my supervisor at GDOL, they talked to my supervisor at Novalink, it was resolved, I continued to work with GDOL many years, because they ascertain there was not malicious intended or misrepresentation on my end. I didn't know that it was going to be on record, it was not supposed to meant a serious thing at all. *SM*

Q: You stated your supervisor at Georgia Department of Labor and Novalink talked about the incident?

A: yea, I explained to them that, I explained my situation and they resolved it between them. I don't even recall what year this was. Since then I continue with GDOL as a consultant with Novalink. *SM*

Q: So you are saying that Georgia Department of Labor was aware that you sent an email to US Department of State?

A: No sir, I did not sent an email to Department of State, I sent it to Jeanie Lu, I'm not sure what she did with, I reported this to my the person I was working with at GDOL. I was never communicating with Department of State directly. *SM*

Q: Who was the person you communicated this to at Georgia Dept of Labor?

A: I forget his name, he was an older gentleman, Brian, I don't remember his last name. he was the person in charge of all the personnel related decisions, all the information technology group. He retired a few years after. I don't know his exact role, but he was in charge of hiring consultant IT staff. After that I had 3 more years 4 more years to continue working at GDOL as an employee of Novalink. In 2017 I moved on to a different assignment. *SM*

Q: Novalink and Georgia Department of Labor had a direct relationship?

A: yes. I would they had a lot of direct relationship with other state agencies *SM*

Q: was there any other intermediaries?

A: No sir. *SM*

Q: are you familiar with the name Harshavardhan Reddy Gondi?

A: No *SM*

Q: No recollection of the name Harshavardhan Reddy Gondi?

A: No sir. the recollection is that Jeannie asked me to send this email as to how to give a testimony for an employee, like an example kind of email, I didn't know it was going to be used for any purpose, I'm not familiar with this name and I just complied with the request. GDOL spoke with Novalink and the matter was resolved, and I continued working. *SM*

Q: Would Harshavardhan Reddy Gondi be the name of the person that you reference in this email?

A: like I said sir I don't know the name I was asked to put in the name, it was meant to be a sample email I don't remember the name I don't know that person I don't know exact nature why it was asked of me. In hindsight I should of refused but I was trying to be nice to my employee. When I found out I was brought to my attention then I explained it to GDOL. *SM*

Q: Was Harshavardhan Reddy Gondi working under you or reporting to you?

A: no. I don't even know it was a real person *SM*

Q: Was Harshavardhan Reddy Gondi listed in Novalinks high level organizational structure showing he worked under you?

A: No sir. I'm not aware of that. *SM*

I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.
Furthermore, I authorize the release of any information from my records which the U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit that I am seeking.

Signature of Applicant

21st

day of

DECEMBER 2021

Sworn and subscribed before me:

Signature USCIS Officer

Signature of Witness

(Rev. 2011)

EXHIBIT 8

AFFIDAVIT OF GOOD MORAL CHARACTER

I, David Keith Williams, do hereby solemnly state and affirm as follows:

1. I am a United States of America citizen.
2. I presently reside at 71 Hawks Nest, Sautee Nacoochee, GA 30571.
3. I have known Shailesh Godkhindi since February 2009. I was a co-worker with Shailesh in the Information Technology Division of the Georgia Department of Labor in Atlanta, GA until 2015 when I retired. I was Shailesh's manager from 2013 to 2015.
4. I personally know that Shailesh Godkhindi is a person of good character, Shailesh is a person of high moral character. He was always on time and performed his duties in a professional manner. Shailesh's skills as a Data Modeler was of much benefit in every project that he worked on. He is a very honest person that you could always count on to perform his job independently with very little direct instruction. Shailesh is a family oriented person and a good father. I considered him a friend as well as a co-worker and team member.

Date: March 8, 2022

David K Williams

David K. Williams

I hereby declare under penalty of perjury pursuant to the laws of the United States of America (28 U.S.C. § 1746) that the foregoing is true and correct.

Executed on March 8, 2022 in Sautee Nacoochee, GA.

David K Williams

David K. Williams



AFFIDAVIT OF GOOD MORAL CHARACTER

I, Anthony William Patrick, do hereby solemnly state and affirm as follows:

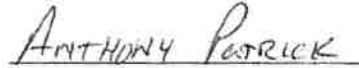
1. I am an American citizen.
2. I presently reside at 102 Hunters Pond Drive Columbia SC 29229
3. I have known Shailesh Godkhindi since June 2017 when he was employed and worked on my team on a state of South Carolina Information Technology Project.
4. I personally know that Shailesh Godkhindi is a person of good character, He was a valuable member of my team and I depended on him to complete his work with great discretion. He was dependable and worked hard to complete his tasks with a high degree of quality. He was a good team mate as well and showed true empathy to those he worked with.

Date: 3/11/2022


Anthony Patrick

I hereby declare under penalty of perjury pursuant to the laws of the United States of America (28 U.S.C. § 1746) that the foregoing is true and correct.

Executed on 3/11/2022 at Columbia SC


[PRINT NAME]



6/25/31

